

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

LI CHEN,)

Defendant.)

CASE NO. 06- 319 M

DETENTION ORDER

Offenses charged in the Central District of California:

Conspiracy; Trafficking in Counterfeit Goods, in violation of Title 18, United States Code, Sections 2320(a) and 371.

Date of Detention Hearing: June 15, 2006.

The Court conducted both a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the Central District of California to answer the charges.

The detention hearing was contested, and the defendant may re-open the matter of detention in the Central District of California. The Court finds that, based upon the factual findings and statement of reasons for detention hereafter set forth, no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

The Government was represented by Jim Oesterle. The defendant was represented by Robert Gombiner.

The Government argued for detention, asserting that the defendant presents a risk

1 of nonappearance given his recent foreign travel to Canada and China. Additionally, the
2 Government reports that the defendant has rather immediate plans for travel to Los Angeles
3 and possibly China in the near future.

4 The defendant argues for release, maintaining that flight risk is the only issue
5 requiring examination as the defendant poses no risk of danger to the community. Further,
6 the defendant emphasizes that returning to the United States after foreign travel is not the
7 behavior exhibited by someone fleeing the United States to China.

8 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

9 (1) There is not enough information to alleviate the Court's concern of flight
10 risk as the defendant has been out of the United States and has plans to
11 leave the United States again becoming therefore not available to answer
12 the pending 2003 charges. Therefore, the Court finds the defendant to be a
13 flight risk.

14 Thus, there is no condition or combination of conditions that would reasonably assure
15 future court appearances.

16 **It is therefore ORDERED:**

- 17 (1) Defendant shall be detained pending trial and committed to the custody of
18 the Attorney General for confinement in a correctional facility separate, to
19 the extent practicable, from persons awaiting or serving sentences, or being
20 held in custody pending appeal;
- 21 (2) Defendant shall be afforded reasonable opportunity for private
22 consultation with counsel;
- 23 (3) On order of a court of the United States or on request of an attorney for the
24 Government, the person in charge of the correctional facility in which
25 Defendant is confined shall deliver the defendant to a United States
26 Marshal for the purpose of an appearance in connection with a court

1 proceeding; and

2 (4) The clerk shall direct copies of this order to counsel for the United States,
3 to counsel for the defendant, to the United States Marshal, and to the
4 United States Pretrial Services Officer.

5 DATED this 19th day of June, 2006.

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Monica J. Benton
U.S. Magistrate Judge